

AMENDED IN SENATE AUGUST 6, 2012

AMENDED IN SENATE JUNE 27, 2012

AMENDED IN ASSEMBLY MAY 25, 2012

AMENDED IN ASSEMBLY APRIL 23, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1830

Introduced by Assembly Member V. Manuel Pérez

February 22, 2012

An act to amend Section 2705.6 of the Public Utilities Code, relating to mobilehome parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 1830, as amended, V. Manuel Pérez. Water service: mobilehome parks.

Existing law authorizes the Public Utilities Commission to regulate public utilities, including water corporations. Under existing law, a mobilehome park that provides water service only to its tenants from water supplies and facilities that it owns, not otherwise dedicated to public service, is not a water corporation, but that mobilehome park is subject to the jurisdiction of the commission to the extent that, if a tenant complains about the water rates charged or service provided by the mobilehome park, the commission is authorized to determine whether the rates charged are just and reasonable and whether the service provided is adequate. Existing law authorizes the commission to afford rate relief or to order the mobilehome park to improve its water supply, facilities, and services on those terms that it finds just and reasonable, or both.

This bill would authorize the commission, if it finds, after investigation, that the mobilehome park has charged an unjust or unreasonable rate in violation of existing law, to order the mobilehome park to reimburse the complainant and any other current and former tenants affected by the rate, calculated as prescribed, if no discrimination will result from the reimbursement. The bill would subject the mobilehome park to the jurisdiction of the commission if, *during any 12-month period*, current or former tenants constituting a prescribed threshold of the ~~current population of the mobilehome park~~ *park's tenant water meters* complain. The bill would require a mobilehome park to provide written notice to each of the mobilehome park's tenants to inform those tenants of their right to file a complaint with the commission about the water rates charged or the service provided by the mobilehome park, as prescribed. Because a violation of an order or decision of the commission is a crime, this bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2705.6 of the Public Utilities Code is
2 amended to read:
3 2705.6. (a) (1) A mobilehome park that provides water service
4 only to its tenants from water supplies and facilities that it owns,
5 not otherwise dedicated to public service, is not a water
6 corporation. However, that mobilehome park is subject to the
7 jurisdiction of the commission to the extent that if, *during any*
8 *12-month period*, a numerical threshold of persons totaling no less
9 than 10 percent of the ~~current population of the mobilehome park~~
10 *park's tenant water meters* complains about the water rates charged
11 or service provided by the mobilehome park, the commission shall
12 determine, based on all the facts and circumstances, whether the
13 rates charged are just and reasonable and whether the service
14 provided is adequate.

1 (2) The numerical threshold of persons may include former or
2 current tenants, or both.

3 (3) A person shall not file a complaint against a mobilehome
4 park pursuant to paragraph (1) if that person has not resided in that
5 mobilehome park within the last five years.

6 (b) Complaints filed pursuant to subdivision (a) are subject to
7 this code and to the Rules of Practice and Procedure of the
8 commission governing complaints and commission investigations.

9 (c) (1) A mobilehome park, as described in subdivision (a),
10 shall provide written notice to each of the mobilehome park's
11 tenants to inform those tenants of their right to file a complaint
12 with the commission about the water rates charged or the service
13 provided by the mobilehome park. With respect to the notice, the
14 mobilehome park shall do all of the following:

15 (A) Provide the notice to new tenants at the time the tenants
16 establish residence within the mobilehome park.

17 (B) Provide the notice to tenants each time the mobilehome
18 park changes water rates or service.

19 ~~(C) Ensure that the notice includes the public advisor's current~~
20 ~~contact information.~~

21 (2) (A) Notwithstanding any other law, the notice provided by
22 a mobilehome park pursuant to paragraph (1) shall be written in
23 English, the languages set forth in subdivision (b) of Section 1632
24 of the Civil Code, and the language or languages of primary
25 communication with the residents receiving the notice.

26 (B) The notice shall read as follows:

27
28 As required by law pursuant to Section 2705.6 of the Public
29 Utilities Code, this notice is to inform tenants that, if you have
30 reason to believe the mobilehome park in which you reside is
31 charging you "unjust" or "unreasonable" water rates, the Public
32 Utility Commission's Public Advisor is available to assist you
33 with filing a complaint. You can reach the Public Advisor via
34 telephone: 866-849-8390, 415-703-2074, TTY 866-836-7825; or
35 email: public.advisor@cpuc.ca.gov, or postal service: CPUC Public
36 Advisor, 505 Van Ness Avenue, Room 2103, San Francisco, CA
37 94102.

38
39 Como es requerido por la ley bajo la ~~sección~~ *Sección* 2705.6 del
40 Public Utilities Code, esta notificación es para informar a los

inquilinos que si existe razón para pensar que donde usted reside se le está cobrando tarifas de agua “injusta” o “irrazonables,” el Asesor Público de la Public Utilities Commission esta disponible para asistirle con el legajo de su queja. Usted puede comunicarse con el Asesor Público por teléfono a los siguientes numeros: 866-849-8390, 415-703-2074, o TTY 866-836-7825; o correo electrónico: public.advisor@cpuc.ca.gov; o por correspondencia: CPUC Public Advisor, 505 Van Ness Avenue, Room 2103, San Francisco, CA 94102.

(3) A mobilehome park that fails to provide the notice required by this section shall be subject to the penalties established in Section 2111.

(d) The commission may afford rate relief or may order the mobilehome park to improve its water supply, facilities, and services on those terms that it finds just and reasonable, or both.

(e) If the commission finds, after investigation, that the mobilehome park has charged an unjust or unreasonable rate in violation of this section subsequent to December 31, 2012, the commission shall order the mobilehome park to reimburse the complainant and any other current and former tenants affected by the rate, if no discrimination will result from the reimbursement. Reimbursement shall be calculated from the first date of collection of the unjust or unreasonable rate, with interest. The commission shall not make an order for the payment of reimbursement upon the ground of unjustness or unreasonableness if the rate in question has been previously declared by formal finding of the commission to be reasonable. The commission shall not recognize the assignment of a reimbursement claim except assignments by operation of law as in cases of death, insanity, bankruptcy, receivership, or order of court.

(f) The public adviser created pursuant to Section 321 and necessary staff of the commission shall assist the complainant.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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